App. No. 09/560,269
Amendment dated April 4, 2006
Reply to Office Action of January 4, 2006

REMARKS

The Office Action dated January 4, 2006 rejected Claims 1, 4-16, 19-31 and 34-45 under 35 U.S.C. § 103(a). Claims 1, 5, 7, 12-14, 16, 20, 22, 27-29, 31, 35, 37 and 42-44 are amended. Claims 4, 6, 19, 21, 34 and 36 are newly cancelled. No new matter has been added. In view of the amendments and the following remarks, reconsideration and allowance of all pending claims are respectfully requested.

Claims 1, 10-12, 16, 25-27, 31 and 40-42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,314,558 issued to *Angel* in view of U.S. Patent No. 5,539,907 issued to *Srivastava*. Claims 4, 6, 19, 21, 34 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Angel* and *Srivastava* in view of U.S. Patent No. 6,332,213 issued to *Grossman*. Claims 5, 7, 13, 14, 20, 22, 28, 29, 35, 37, 43 and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Angel*, *Srivastava* and *Grossman* in view of U.S. Patent No. 6,282,701 issued to *Whygodny*, U.S. Patent No. 6,438,512 issued to *Miller*, and U.S. Patent No. 6,374,369 issued to *O'Donnell*. Claims 8, 23 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Angel*, and *Srivastava* in view of U.S. Patent No. 5,761,513 issued to *Yellin*. Claims 9, 15, 24, 30, 39 and 45 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Angel*, *Srivastava* and *Yellin* and further in view of *Whygodny*, *Miller*, and *O'Donnell*. Applicant respectfully traverses this rejection. Neither *Angel*, *Srivastava Grossman*, *Yellin*, *Whygodny*, *Miller*, *O'Donnell*, nor any combination thereof, teach all of the features recited in Applicant's claims as amended.

The Office Action rejected independent Claim 1 by citing a procedure described in *Angel* for instrumenting a byte code computer program and a procedure in *Srivastava* for link time optimization. Claim 1, as amended recites, "determining a set of probe locations in the application, wherein the set of probe locations comprises: a probe location at a beginning of a calling function, a probe location at an end of the calling function, a probe location at a beginning of a first called function, a probe location at an end of the first called function, a probe location at a position in the calling function where the calling function calls the first called function, a probe location at a position in the calling function where the first called function returns after execution, a probe location at a beginning of a second called function when the first

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called function calls the second called function, and when the first called function calls the second called function and when the second called function returns to the calling function, a probe location at a position in the calling function where the second called function returns after execution, wherein a pair of probe locations produces redundant information; eliminating one member of the probe location pair; and inserting probes at the remaining probe locations in the application such that data collected relating to the execution of the application produces non-redundant information." The method taught by Claim 1 is different from the procedures in *Angel* and *Srivastava* cited by the Office Action.

The procedure in *Angel* is directed to examining byte code, selecting portions of the byte code for instrumentation, and instrumenting the portions to provide instrumented byte code. The procedure in *Srivastava* is directed to moving loop-invariant code to a predecessor procedure during execution. However, neither *Angel*, *Srivastava* nor any combination thereof teach anything about "the set of probe locations comprises: a probe location at a beginning of a calling function, a probe location at an end of the calling function, a probe location at a beginning of a first called function, a probe location at an end of the first called function, a probe location at a position in the calling function where the calling function calls the first called function, a probe location at a position in the calling function where the first called function returns after execution, a probe location at a beginning of a second called function when the first called function calls the second called function, and when the first called function calls the second called function and when the second called function returns to the calling function, a probe location at a position in the calling function where the second called function returns after execution," as recited in Applicant's amended Claim 1. Applicant respectfully submits that the rejection of Claim 1 is overcome and requests that the rejection be withdrawn.

Claims 12, 16, 27, 31 and 42, include limitations substantially similar (albeit different in other important ways) to the limitations claimed in the currently amended Claim 1. As discussed above, Claim 1 is allowable. Thus, Claims 12, 16, 27, 31 and 42 are allowable for at least the same reasons that Claim 1 is allowable, and notice to that effect is solicited.

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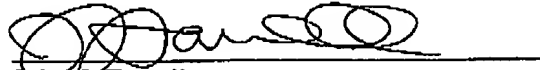Reply to Office Action of January 4, 2006

Furthermore, dependent Claims 5, 7-11, 13-15, 20, 22-26, 28-30, 35, 37-41 and 43-45 are allowable for at least the same reasons that the base claims on which they rely are allowable, and notice to that effect is solicited.

CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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